THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 23125 of 2007

Date:29-11-2007

Between:

Premachand Yadav and four others

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Petitioners

AND

The District Collector, Hyderabad and two others

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Respondents

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ORDER:

The petitioners seek a writ of mandamus directing the 1st respondent to conduct enquiry as per the orders of the 3rd respondent in Proceedings No.P5/6/2001,dated 17.10.2003 by correcting the town survey records/revenue records in the petitioners' name by passing appropriate orders as directed by the 3rd respondent by considering the representations, dated 04.02.2005 and 06.10.2007.

Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondents.

It is the case of the petitioners that they have purchased various extents of lands by various sale deeds in Sy.No.6 situated at Meersagar village, Bahadurpura mandal, Hyderabad District and their names were shown in the khasra pahanies for the year 1954-55 and subsequent years also as pattadars and possessors. The original pattadar viz. Nandulal sold the said land in favour of one Mr.Shaik Ahmed Abedi and from his heirs, the petitioners have purchased the said lands. While so, the State Government has undertaken the survey operation in the year 1977-78 and in the survey operation, the said Sy.No.6 has been shown as Town Survey No. 1/1, Ward No.253, Block-C of Meersagar village, Bahadurpura mandal, Hyderabad District and except an extent of 1542 sq. metres in the name of Nandulal, the remaining land was shown as GVM road. When the petitioners have approached the first respondent/District Collector to rectify the mistake, the second respondent/Deputy Director, Survey and Land Records issued a memo No.B1/1733/1998, dated

11.02.1999 which was challenged in W.P.No.6777 of 1999 and the said writ petition was allowed directing the petitioners to file a revision before the revisional authority i.e. the third respondent/Commissioner of Appeals, Office of the Chief Commissioner, Land Administration and accordingly on a revision filed by the petitioners, the third respondent passed orders in Appeal No.P5/6/2001, dated 17.10.2003 setting aside the Memo No.B1/1733/98, dated 11.02.1999 passed by the second respondent and directed the first respondent/District Collector, Hyderabad to dispose of the matter as per law.

The operative portion of the orders, dated 17.10.2003 passed by the third respondent reads as under:

> "As per revenue record, Sy.No.6 of Meersagar village admeasures Ac.1.26 guntas and it is recorded as patta in the name of Sri Nandulal in the pahanies from 1960-61 to 1980-81. How can the patta land admeasuring Ac.0.21 guntas in Sy.No.6 of Meersagar village can form part of GVM road, without any acquisition by paying compensation under L.A. Act or voluntary relinquishment of this piece of land by the concerned pattadar and it affects their right to property. If the land is acquired by paying compensation or in case their predecessors in title relinquished the land voluntarily, then they have no claim and they may be informed accordingly. If not, their request for correction of town survey merits consideration as per rules.
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> With the above observation, the case is remanded to the Joint Collector, Hyderabad District to examine the matter afresh on the above points in detail with reference to relevant records, in view of the direction of High Court. If the result of his examination warrants any justification for reddressal of the grievance of the revision petitioners, he may seek orders from the Government for relaxation of Rule 7 of A.P. Survey & Boundaries (Extension and Amendment) Act, 1958 as

per Rules, so as to enable him to take action under Section 90 of A.P. (T.A.) Land Revenue Act, 1317 Fasli for settlement of the issues."

Thereafter, the petitioners filed representation, dated 04.02.2007 requesting the District Collector to comply with the orders, dated 17.10.2003 by correcting the town survey records, but so far no action has been initiated. Therefore, the petitioners seeks to issue a writ of mandamus directing the first respondent to conduct enquiry as per the orders of the third respondent, dated 17.10.2003 by correcting the town survey records.

Having regard to the facts of the case, the writ petition is disposed of directing the first respondent to comply with the order, dated 17.10.2003 passed by the third respondent by considering the representations, dated 04.02.2005 and 06.10.2007 of the petitioners as expeditiously as possible without any unnecessary delay, preferably within three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:29.11.2007
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